

EXHIBIT 2

**IN THE PROBATE COURT OF RUTHERFORD, TENNESSEE
AT MURFREESBORO**

IN THE MATTER OF:

**THE CONSERVATORSHIP OF
WILLIAM HERMAN SMITHSON, JR.,
A Disabled Person.**

LISA DOWELL
RUTHERFORD COUNTY CLERK
NOV 23 11 04 AM

FILED

**RESPONSE TO MOTION FOR DECLARATORY JUDGMENT, MOTION TO
AMEND ORDER AND MOTION TO DIRECT CLERK**

Comes now the Temporary Conservator and by way of response, opposes the motions of Kyle Smithson ("Movant") for Declaratory Judgment, To Amend Order and to Direct Clerk.

INTRODUCTION AND STATEMENT OF FACTS

On November 22, 2016, Cynthia Human, Lisa Human McCormack, Leann Human Hillard and Nell Human ("Petitioners") filed in this Court a Petition for the appointment of a Conservator for William Herman Smithson, Jr. alleging Kyle Smithson, in his capacity as the attorney-in-fact for William Herman Smithson, Jr., had consistently breached his fiduciary duty and urgent action was required to safeguard William Herman Smithson, Jr. and his finances, property, assets and affairs. The Petitioners further alleged Mr. William Herman Smithson, Jr. suffers from dementia, which has resulted in a deterioration of his mental capabilities, such that he is unable to manage his finances, property, affairs and daily activities. Further William Herman Smithson, Jr. has been and is still being taken advantage of by a close family member, Kyle Smithson, such that his assets have been and are still being rapidly depleted, which is not in accordance with the best interests of William Herman Smithson, Jr. As stated by the Petitioners, Kyle Smithson's use and sale of William Herman Smithson, Jr.'s assets have not been conducted for the benefit of William Herman Smithson, Jr.

In her capacity as the attorney for Mary Lenelle Smithson and Kyle Smithson, Michele McGill, filed a response and counter-petition, stating William Herman Smithson, Jr. suffers from advanced stage Alzheimer's disease and is unable to attend to his own health and financial needs. Further, an Income and Expenses Sheet (Exhibit "A") is attached to the response and statement that the care at Sunnington accounted for the substantial majority of the couple's income and that it was necessary to sell the share of the Family Farm to pay the couple's debts and maintain support for Mrs. Smithson. An allegation is made against the Petitioner that the action (Petition for Appointment of Conservator) is being made to serve their own interest in preventing the partition of the Family Farm and not out of concern for the Respondent.

The documentation contained in this response substantially supports the Petitioners allegations of breach of fiduciary duty by Kyle Smithson and the depletion of assets was true and correct. After months and months of researching documentation relating to sales of real property, mortgaging of real property, cash withdrawals, transfers of monies between bank accounts and dissipation and depletion of assets of William Herman Smithson, Jr., the investigation reveals Kyle Smithson converted approximately \$577,614.41 of William Herman Smithson, Jr. 's assets to his own personal use.

In December of 2011, Kyle Smithson was appointed the power of attorney for William Herman Smithson, Jr. and Lenelle Smithson. Kyle Smithson changed the Nashville Electric Pension Plan and Social Security payments from being deposited into the account of William Herman Smithson, Jr. into his own personal account solely in the name of William Kyle Smithson Account #XXXXXX14832 at Regions Bank. Between January 2012 and October 31, 2013, he spent thousands of dollars on his own personal needs, including some of the services noted on Exhibit "B". Some of the notable expenditures were incurred for tuition and books at MTSU, insurance, medicals bills, Chase credit card payments and a ring purchased from Genesis Diamond for Karoly De La Rocha and expenses incurred for trips to California, including, airline costs, restaurants and rental cars.

On October 31, 2013 Kyle Smithson opened a Regions Bank Account in the name of William Herman Smithson, Jr. and William Kyle Smithson, Custodian. He immediately began to transfer monies from the Custodian account into his own personal account.

Between 10/31/13 and 11/15/13, Kyle Smithson transferred \$14,394.05 into his own personal account. During the same time frame, Lenelle Smithson wired \$40,000.00 to Kyle Smithson for the purchase of a house. The transfer of monies from the custodial account into Kyle Smithson's account continued until he closed the custodial account on January 9, 2014. No record of another account in the name of William Herman Smithson, Jr. can be found until January 2015 when Kyle Smithson opened an account at Bank of America in the name of Kyle Smithson, William Herman Smithson, Jr. and Lenelle M. Smithson and begins to have the Nashville Electric Pension Plan and Social Security payments deposited into the account of Kyle Smithson, William Herman Smithson, Jr. and Lenelle M. Smithson.

In 2014, Kyle Smithson had 26.26 acres surveyed off of the Beasley Road property and using his power of attorney, sold the property for \$80,000.00 on June 27, 2014. No record can be found that the money was ever deposited into an account for the benefit of William Herman Smithson, Jr. However, Lenelle Smithson did advise that Kyle Smithson had received all of the monies from the sale of the property.

On June 4, 2015, Kyle Smithson and Lenelle Smithson executed a Note to Wilson Bank & Trust secured by 2925 Beasley Road and 205 Depot Street, Chapel Hill in the amount of \$75,000.00. 2925 Beasley Road was the personal residence of William Herman Smithson, Jr. and Lenelle Smithson and was not previously encumbered by a mortgage. There is no record that the \$75,000.00 was ever deposited into Mr. William Herman Smithson, Jr.'s bank account. Again, Lenelle Smithson confirmed that Kyle Smithson had received all of the monies from the mortgage of the property.

In 2015, Kyle Smithson had another 37 acres surveyed off of the Beasley Road property and using his power of attorney sold the property for \$125,000.00 on July 8, 2015. There is no record that the \$125,000.00 was ever deposited into Mr. William Herman Smithson, Jr.'s bank account. Again, Lenelle Smithson confirmed that Kyle Smithson had received all of the monies from the sale of the property.

Kyle Smithson had now received, over a 12 month period, \$275,000.00 from the sale and mortgage of assets of Mr. William Herman Smithson, Jr., \$33,583.10 in purchases for his own use from the assets of Mr. William Herman Smithson, Jr., \$8,990.20 cash withdrawals from the assets of Mr. William Herman Smithson, Jr. and yet the payments

for Mr. William Herman Smithson, Jr.'s care at Sunnington were continuously late and the account was overdrawn on a continual basis. In fact, on May 25, 2015, Lisa Harlow at Sunnington notified Kyle Smithson as follows: "Clear up your account by 5/29/15. Have not received payment in 3 months, April, May and June 2015. "

On October 15, 2015, Kyle Smithson sold a piece of property Lenelle Smithson had quitclaimed to him on April 19, 2013, for the sum of \$68,000.00 and retained the money.

In 2016, the pattern of dissipation and depletion of assets of Mr. William Herman Smithson, Jr. by Kyle Smithson continued. Kyle Smithson used \$47,308.44 in purchases for his own use from the assets of Mr. William Herman Smithson, Jr. and \$14,892.47 in cash withdrawals from the assets of Mr. William Herman Smithson, Jr. Sunnington again notified Kyle Smithson on January 28, 2016 that Mr. William Herman Smithson Jr.'s account at Sunnington was seriously past due for December 2015, January 2016 and the payment for February was presently due. The Bank of America account was overdrawn from Kyle Smithson's use of the assets of Mr. William Smithson, Jr., so Kyle Smithson decided to sell another piece of property.

On April 20, 2016 Kyle Smithson, using his power of attorney, executed a Modification to the Note and Deed of Trust to Wilson Bank & Trust secured by 2925 Beasley Road and increased the indebtedness to \$150,000.00. There is no record that the additional \$75,000.00 was ever deposited into Mr. William Herman Smithson Jr.'s bank account. Lenelle Smithson advised that she did not remember signing the Modification.

On September 19, 2016, Kyle Smithson, using the power of attorney for both Mr. William Herman Smithson, Jr. and Lenelle Smithson, sold 21.50 acres off of the Beasley Road property for \$80,700.00. There is no record that the \$80,700.00 was deposited to Mr. William Herman Smithson Jr.'s bank account. Lenelle Smithson advised she was not aware that the property had been sold by Kyle Smithson until I informed her.

On November 7, 2016, Kyle Smithson entered into a Purchase and Sale Agreement with Jeremy Boczulak for sale of ½ of the family farm, inherited by Mr. William Herman Smithson, Jr., for \$700,000.00, with the closing to occur on December 31, 2016. The Buyer would pay \$50,000.00 at closing, \$50,000.00 on January 13, 2017 and \$600,000.00 on January 13, 2018. Kyle Smithson received a check payable to William H. Smithson, Jr. in the amount of \$5,000.00. No record was found that the check was ever deposited into an

account for Mr. William Herman Smithson, Jr. After the Petition for Appointment of Conservator, on January 26, 2017, Kyle Smithson executed a First Amendment to Land Purchase and Sale Agreement changing the closing date from December 31, 2016 to April 30, 2017. If Kyle Smithson had not executed the First Amendment to Land Purchase and Sale Agreement, then the ½ share of Mr. William Herman Smithson Jr.'s family farm would not have been sold and a Breach of Contract Complaint would have never been filed against the Conservator. Further, Kyle Smithson never disclosed to the court, to me or to the Guardian Ad Litem, that a First Amendment to Land Purchase and Sale Agreement had been executed nor was a copy of the contract or addendum provided. The Conservator and Guardian Ad Litem discovered the First Amendment to Land Purchase and Sale Agreement after investigations began into the dissipation and depletion of the assets of Mr. William Herman Smithson, Jr. by Kyle Smithson.

Between January 1, 2015 and March 29, 2017, Kyle Smithson continued his pattern of spending thousands of dollars on his own personal needs, including some of the services noted on Exhibit "B". Some of the notable expenditures were Gold's Gym membership, Massage Envy, Cason Liquor, Hand and Stone Massage, Gorilla Warfare, Interlock (for a DUI), Sun Tan City, Advance Financial, Balisimo Nails & Day Spa, Riverbend Country Club, Planet Fitness Club Membership for Kyle Smithson and Hannah Rae, Victoria's Secret, Title Max, CU Recovery, Inc., Fox Collection CE, Champions Run Golf Course, Olympus Athletic Membership, expenses incurred for trips to California, including, airline costs, restaurants and rental cars and Commenity credit card payments for Hannah Rae.

Attached hereto as Exhibit "C" is a spread sheet which details the sales and mortgages of property by Kyle Smithson in the dissipation and depletion of the assets of Mr. William Herman Smithson, Jr. The spreadsheet also reflects that Kyle Smithson and his wife, Karoly De La Rocha paid cash for a house on February 10, 2012 in the amount of \$187,000.00. The house was then sold on January 17, 2014 for the sum of \$190,000.00. I was able to discover the liquidation of \$103,272.29 in CD's of Mr. William Herman Smithson, Jr. that were deposited into an account of Kyle Smithson's, but cannot ascertain who implemented the liquidation.

Kyle Smithson has alleged that the prior Order of this court should be amended as to the Court's Order of April 29, 2019. Attached hereto as Exhibit "D" is the Affidavit of

my legal assistant, Joan Hawley. As I previously advised the Court, I do not utilize an atwoodandmoore.com email account. All email communications are sent to the email of my legal assistant. The emails are printed and given to me for my review and response. I give the response to my legal assistant in a written or printed form and then she sends the response from her email account. She, nor any other employee in my office, are permitted to send communications regarding my clients without my explicit approval and/or drafting said reply or email communication. If not for the breach of fiduciary duty by Kyle Smithson in the dissipation and depletion of the assets of Mr. William Herman Smithson, Jr. for his own personal use, a Conservatorship would not have been necessary. A substantial amount of time and expenses were incurred in rectifying the dire situations he created. As the Petitioners alleged in their Petition for Appointment of Conservator there was an urgency to this matter.

As a Temporary Conservator or Conservator, I have a responsibility to ensure the overall well-being and personal care of Mr. William Herman Smithson, Jr. and to maintain and safeguard his financial assets. Unfortunately, Kyle Smithson had managed to dissipate and deplete the majority of Mr. William Herman Smithson, Jr.'s assets and you take the estate as you find it.

On the date of my appointment, William Herman Smithson, Jr. had only \$689.23 dollars in his name in the Bank of America account. On April 2, 2017, I met with Lenelle Smithson to discuss a proposed property management plan in order to determine the exact assets and liabilities of William Herman Smithson, Jr. Contrary to her filed Proposed Property Management Plan, (Exhibit "E") Statement of Income and Expenses, and Answer and Counter-Petition, she insisted her husband was a smart man and there was lots of money in the bank to take care of them. She could not verify the assets, including bank accounts. Therefore, a year long investigation began to determine the assets and liabilities of Mr. William Herman Smithson, Jr. and what had happened to the assets of Mr. William Herman Smithson, Jr.

Immediately after my appointment, I began to try to locate the monies which Lenelle Smithson had informed me were in the possession of Kyle Smithson as there was no money to pay for Mr. William Herman Smithson, Jr.'s care at Sunnington, his medical bill and pharmacy bills.

Due to the actions of Kyle Smithson in executing a Purchase and Sale Agreement with Jeremy Boczulak for sale of ½ of the family farm for \$700,000.00 on November 7, 2016 and the First Amendment to Land Purchase and Sale Agreement on January 26, 2017, Brad Scarbrough filed a Complaint for Breach of Contract. I was now forced to file a Motion to Disaffirm, Disavow, Repudiate and Cancel Purchase and Sale Agreement and First Amendment as the purchase price appeared to be less than fair market value. Judge Gilley ordered an appraisal and an agreement was reached to sell the property with a payment schedule.

As I was dealing with the issue of the Purchase and Sale Agreement, my investigation revealed Kyle Smithson had committed perjury on the witness stand when he testified to the Court, he had filed the 1040 tax returns for 2014 and 2015 for Mr. William Herman Smithson, Jr. It was even noted on the Statement of Income and Expenses, prepared by his previous attorney, that the Federal Income Tax owed for 2014 was \$23,612.00 and the Federal Income Tax owed for 2015 was \$17,712.00. I employed an accountant and began to assemble documentation and information required to file the 1040 tax returns for 2014, 2015 and 2016. Letters were sent to the IRS explaining the dissipation and depletion of Mr. William Herman Smith's assets and requesting abatement of penalties due to the hardship circumstances created by Kyle Smithson's actions. The result was a savings to the estate of Mr. Herman William Smithson, Jr. in the amount of \$14,530.00. Then on November 8, 2017, I received a tax levy issued due to non-payment of taxes for prior years (prior to 2014) or incorrectly filed tax return. Again, with the assistance of the accountant, we were able to obtain a waiver of any penalties.

My investigation then revealed that Kyle Smithson had not paid the mortgage to Wilson Bank & Trust on 2925 Beasley Road for 3 months. An agreement was reached with Lee Eaton at Wilson Bank & Trust that one payment would be made and then he would forebear foreclosure proceedings if the payments could be brought current by September 2017.

In June of 2017, I received notification from Sunnington that Mr. William Herman Smithson, Jr. was being moved, due to his behavioral issues into a room which would cost substantially more. At the time, due to the dissipation and depletion of assets by Kyle Smithson, there were not sufficient funds to pay for the additional room cost. Mr. William

Herman Smithson, Jr. was subsequently moved to Broadmore at a lower rate with excellent care.

My investigation then revealed that Kyle Smithson had not been paying the pharmacy expenses or medical expenses for Mr. William Herman Smithson, Jr.

Even to this date, I am still discovering debts which were incurred by Kyle Smithson using his power of attorney for William Herman Smithson, Jr. that have not been paid. John Toy delivered to my office a collection bill for ATT DIRECTV in the name of William H. Smithson. The envelope had been opened when it was delivered to my office. Mr. William Herman Smithson, Jr. does not have Direct TV at Adams Place. Said bill is attached hereto as Exhibit "F".

After appointment by the Court as a Temporary Conservator or Conservator, my duties are the same. I have a duty to care for and protect the Ward, to make arrangements for the Ward's health care, living arrangements, clothing and personal care. Mr. William Herman Smithson, Jr. was placed in Adams Place at the recommendation of his physician due to the skilled level of care he required, and the excellent facilities and care provided at Adams Place. Further, I have a duty to manage the Ward's finances, protect the Ward's income and assets and develop a plan to ensure the Ward's needs are met, to ensure the Ward's bills are paid, to ensure that tax returns are filed on time and keep accurate financial records. A Conservator is also required to locate, take possession of, and protect the income and assets of the Ward. A Property Management Plan should then be filed based upon the investigation. Unfortunately, in this matter, as alleged by the Petitioners, Kyle Smithson had breached his fiduciary duty and had rapidly depleted the assets of Mr. William Herman Smithson, Jr. If this Court had not taken action, Mr. William Herman Smithson, Jr. and Lenelle Smithson would have lost their home and the family farm. Mr. Kyle Smithson has still not accounted for the monies and assets which he converted to his own personal use from the assets of Mr. William Herman Smithson, Jr.

An accounting has been filed with the Court, attached hereto as Exhibit "G". Despite the actions of Kyle Smithson between 2011 and today's date, the following has been accomplished for the benefit of Mr. Herman William Smithson Jr.:

- Bank account now has a balance of \$326,148.31. Upon appointment, the account had a balance of \$689.23. See attached, Exhibit "H".

- Mortgage payments on 2925 Beasley Road were brought current, kept current and paid off on April 16, 2019. Upon appointment, mortgage payments were 3 months past due.
- 1040's were filed for 2014, 2015, 2016, 2017. Savings of \$14,350.00 in taxes. Upon appointment, 2014, 2015 and 2016 1040's had not been filed.
- Nursing home payments are current and paid on due date. Upon appointment, nursing home payments were past due.
- Medical expenses and pharmacy expenses are current and paid on due date. Upon appointment, medical expenses and pharmacy expenses were past due.
- See Abbreviated Timeline attached hereto as Exhibit "I".

CONCLUSION

The Court does not initiate the appointment of a Conservator. In most instances, the proceeding is initiated by a family member who has become concerned for the well-being and care of a loved one. It is important to note that Mr. William Herman Smithson, Jr. suffered from Alzheimer's and had no capacity to know that his son was depleting his assets for his own use, nor that a Petition for Conservatorship had been filed by his family for his protection. The Court has the authority to appoint a Conservator and upon my appointment, by any Judge, I will work to protect the person and property of the Ward. As long as I am the Conservator for Mr. William Herman Smithson, Jr., I will continue to protect his person and property, no matter the slanderous and defamatory statements made by Kyle Smithson and no matter the personal disdain he has for me. Kyle Smithson has taken enough from his father and should not be allowed to take anymore.

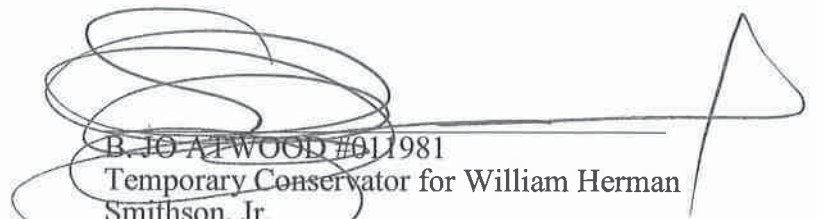
From August 2012 until February 2017, Kyle Smithson utilized approximately \$206,450.00 for the benefit of Mr. William Herman Smithson, Jr. and \$577,614.41 for his own personal use from the assets of Mr. William Herman Smithson, Jr.

The enormity of Kyle Smithson's actions and the enormous amounts of monies and assets he converted to his own personal use from the assets of Mr. William Herman Smithson, Jr. is unquestionable, and Kyle Smithson should be held accountable to this Court for an accounting of those monies and assets.

WHEREFORE, your Conservator respectfully requests the court to deny Kyle Smithson's Motion to Amend Order, Motion for Declaratory Judgment and Motion to

Direct Clerk and further requests Kyle Smithson be ordered to make an accounting to the court for the sum of \$577,614.41 which he converted to his own personal use through the proceeds from sale of the Beasley Road acreage tracts of Mr. William Herman Smithson, Jr., the mortgaging of the property of Mr. William Herman Smithson, Jr., the cash withdrawals from the monies of Mr. William Herman Smithson, Jr., the transfer of monies from the account of Mr. Herman William Smithson, Jr. to the account of Kyle Smithson and the monies used for his own personal use from the assets of Mr. William Herman Smithson, Jr.

Respectfully submitted,



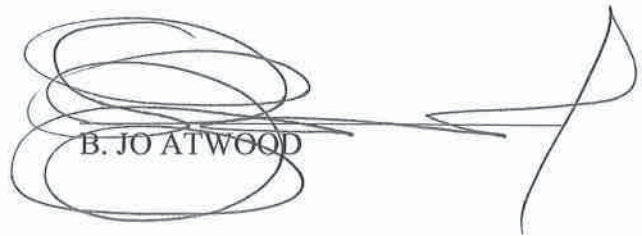
B. JO ATWOOD #011981
Temporary Conservator for William Herman
Smithson, Jr.
144 Uptown Square
Murfreesboro, TN 37129
(615) 895-2421

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Response has been sent via electronic mail and by US Mail, postage prepaid, on this the 28th day of May 2019, to the following:

Bonita Tucker
Guardian Ad Litem
8 North Public Square
Murfreesboro, TN 37130
bonita84@bellsouth.net

John Robert Toy II
Attorney for William Kyle Smithson
745 South Church St. #240
Murfreesboro, TN 37130
john@parkertoylaw.com



B. JO ATWOOD

**IN THE PROBATE COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO**

CYNTHIA HUMAN,
LISA HUMAN MCCORMACK,
LEANN HUMAN HILLIARD
NELL F. HUMAN,

Petitioners

v.

WILLIAM HERMAN SMITHSON, JR.

Respondent.

No.: SmithsonCOO4

COPY

STATEMENT OF INCOME AND EXPENSES

Comes now, Mary Lenelle Smithson, who would show to the Court as follows:

INCOME:

- | | | |
|----|---|-------------|
| 1. | William Smithson Monthly Pension (Net) | \$ 5,738.00 |
| 2. | Lenelle Smithson Monthly Retirement (Net) | \$ 166.00 |
| 3. | William Smithson Social Security | \$ 343.00 |
| 4. | Lenelle Smithson Social Security | \$ 595.00 |
| 5. | John Hancock Investment | \$ 365.00 |

MONTHLY NET

TOTAL \$ 7,207.00

NECESSARY MONTHLY EXPENSES

A. General Expenses:

- | | | |
|----|--|-------------|
| 1. | Sunnington Senior Care | \$ 4,095.00 |
| 2. | Home mortgage, including taxes and insurance | \$ 1,100.00 |

3.	Utilities: Water	30
	Elec.	300
	Tel./internet	100
	Cable	68

TOTAL UTILITIES: \$ 498.00

4.	Car Operation (gas, oil, repair, ins.)	\$ 175.00
5.	Insurance (life and other)	\$ 53.00
6.	Installment contracts and monthly payments:	
	Personal Loans \$18,000	\$ 300.00
	Auto	\$ 100.00

GENERAL EXPENSE TOTAL \$ 6,321.00

B.	Other Expenses (monthly)	Mr.	Mrs.
1.	Food		400
2.	Clothing	50	100
3.	Medical, Dental & Drugs	110	50
4.	Home Maintenance		200
5.	Laundry & Cleaning		10
6.	Yard/Landscaping		50
7.	Recreation		100
8.	Beauty or Barber Shop	20	50
	Subtotals:	\$ 180.00	\$ 960.00
	TOTAL		\$ 1,140.00

NET INCOME LESS EXPENSES \$ -254.00

ADDITIONAL DEBTS:

1.	2014 Federal Income Tax Owed	-\$23,612.00
2.	2105 Federal Income Tax Owed	17,712.00
3.	2016 (estimated) Federal Income Tax Owed	?
4.	Meeks Purchase and Sale Agreement survey and hand money	-\$15,000.00

Total Additional Debt: \$ 56,324.00 (+)
2016
tax

Under penalty of perjury, I make oath that the information set forth above is true and correct to the best of my knowledge.

This the 13th day of February, 2017.

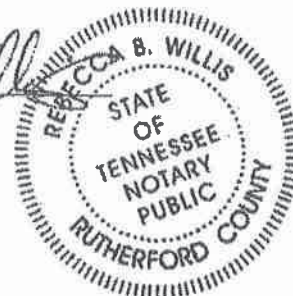
Mary Lenelle Smithson
Mary Lenelle Smithson

STATE OF TENNESSEE
COUNTY OF Rutherford

Sworn to and subscribed before me on this the 13th day of February, 2017.

My Commission Expires: 15 JUN 19

Rebecca B. Willis
Notary Public



CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been furnished, to
(see below) (attorney for the Plaintiff/Defendant), on the 13th day of
Feb, 2017.

Michele McGill
Michele McGill

Nathaniel Gorman
Benjamin Weigel
Attorneys for Plaintiff
133 Holiday Court
Suite 208
Franklin, TN 37067

B. Jo Atwood
Attorney ad litem
144 Uptown Square
Murfreesboro, TN 37129

Bonita Tucker
Guardian ad litem
8 N. Public Square
Murfreesboro, TN 37130

EXHIBIT "B"

Monies/Assets of William Herman Smithson taken by Kyle Smithson for his own personal use

\$150,000.00	Proceeds from Notes and Deeds of Trust (2015 and 2016)
\$285,700.00	Proceeds from sale of Beasley Road acreage (2014, 2015 and 2016)
\$ 26,989.37	Cash withdrawals by Kyle Smithson (2015, 2016 and 2017)
\$ 19,779.05	Transfers from William H. Smithson account into Kyle Smithson (2013)
	Monies in William H. Smithson account used for personal use by Kyle
<u>\$ 95,145.89</u>	Smithson (2012, 2015, 2016 and 2017)
\$577,614.41	

Monies/Assets of Lenelle Smithson given to Kyle Smithson for his own personal use

\$ 68,000.00	205 Depot Street Chapel Hill Tn proceeds (2015)
<u>\$ 40,000.00</u>	Funds for purchase of house (2013)
\$108,000.00	

Monies/Assets Dissipated by Kyle Smithson

\$ 2,313.00	Overdraft fees
<u>\$ 26,794.00</u>	Capital gains tax (2014 and 2015)
\$ 29,107.00	

No record of account bank statement for 2012 from January to September and no record of bank statement for 2014. Kyle Smithson opened a Regions Bank Account in the name of William Herman Smithson and William Kyle Smithson, Custodian, on 10/3/13. Closed Regions Bank Custodian Account for William H. Smithson on 1/9/14. No record of another account in the name of William Herman Smithson until January 2015 in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson (Bank of America).

Mo. Automatic debits being deducted from William H. Smithson Bank Account for Kyle Smithson personal use.

Spotify
Lexington Law
Adobe Photography subscription
Hand & Stone Massage
LinkedIn
Shave Barber
Filmbudgeteers
Architect Fitness
Olympus Athletic

Other Charges Incurred by Kyle Smithson for his personal use and not for the benefit of William H. Smithson

Bath & Body Works	Comenity Pay VI Des web	Victoria Secret
Paypal Filmmakers	Payment – Hannah Rae	P.F. Chang
JosABank	Enchanted Planet	T J Maxx
Baslisimo Nails	Harpeth Rentals	Chuys
Chuck E Cheese	TitleMax (Repay loan)	MTSU Campus Pharmacy
Toys R US	Sport Season	(Karoly De La Rocha)
Architect Fitness	Dicks Sporting Goods	MTSU Business (Karoly De La
Versona	Cason Liquor	Rocha)
Planet Fitness (Kyle Smithson	Sephora	Strong Body Nut
and Hannah Rae)	Converse	Campus Bookstore
Recording Studio	Southwest Airlines	Red Robin
The White House	Whiskey Dix Saloon	Genghis Grill
Mai Alterations	Buffalo Wild Wings	Fin Fusion Sushi
The Humidor	The Pavilion	Panda Express
California expenses	The Boulevard	Pei Wei
Enterprise Rental	Cheddars	Nordstrom
In-N-Out Burger	City Cab	Marshalls
Starbucks	Panera Bread	Genesis Diamond (ring for
Country Market	Dillard's	Karoly De La Rocha)
Rack Room Shoes	Nail Bar	Southwest Airlines
Columbia Sports	Audio Masters	Logan's
Target	Express LLC	Aspen Leaf Yoga
Shell Service	Sam's Sports Grill	Body and Face
FILMDA	Pita Pit	Renaissance Hotel
Redbox	Bar Louie	Wynnsong Theaters
Uber	Five Guys	Delta Airlines
Lush DGTL	Starbucks	Truck Accents
Fandango	Apple iTunes	The Melting Pot
Venmo	Hilton Nashville	Beth Bath and Beyond
Champions Run Golf Course	Camino Real	European Wax

Arrington Vineyards	Honkytonk Center	Jozoara Coffee
Tin Roof restaurant	Liquid Smoke	The Cookie Store
End Zone South	Avis Rent-A-Car	Sweet CeCe
Saint Anejo restaurant	11905-Southside	Michaels
Paradise Park	Nails So Happy	MTSU Aramark (Karoly De La Rocha)
Opry Originals	Kinard's Creekside	American Airlines
Two Old Hippies	Hibbett Sports	Through the Grapevine
Holy Smokes	Soccer USA	Bricktops
H & H Accounting	Smoothie King	Altar D State
Stubhub	Go USA Funpark	Carrabba's
CU Recovery (Collection Kyle Smithson)	Your Pie	Container Store
Fox Collection CE	Nashville Arena	Jason's Deli
Best Buy	Golf for Everyone	Hearth & Grill
Sam's Club	Chase Credit Card for Karoly De La Rocha	Things Remembered
ZarZaur & Schwartz	Nail and Day Spa	Recording Studio St. 800
The White Room	SWR*REN Dermatology	Columbia Sport
Shave Barber	UrbanOutfitters	Chop House
Alumni Hall Store	Massage Envy	Off Broadway Shoes
Golds Gym	Cason Liquor, Inc.	Travel Insurance
Gentleman Jim's	Background Checks	FAM Capital
U-Haul	Ulta	Murfreesboro Electric
Interlock (DUI tracking device)	Moe's Southwest Grill	Premier 6 Theater
LG2TN (TN Department of Safety)	Vivid Seats LTD	Gorilla Warfare
Middle TN Pawn-Murfreesboro	PFunky Griddle	Newks
Outdoor Travel Bluegreen	Riverbend Country Club	Sun Tan City
Vacations	Dave and Busters	Journeys
		Advance Financial
		Deja Vu-Nashville

EXHIBIT "C"

Purchases		Property		Date	Consideration
Grantor	Grantee				
Kathryn Harris	William H. Smithson, Jr. and Wife, Mary Lenelle Marable Smithson Record Book 141, page 804, Marshall County Register of Deeds.	100 Acres +/- Beasley Road Marshall County, Tennessee (personal residence)		07/12/1989	\$115,000.00
Nell Watkins West	William H. Smithson, Jr. and Wife, Mary Lenelle Marable Smithson Record Book 172, page 810, Marshall County, Register of Deeds.	0.53 acres +/- Beasley Road		10/15/1992	No Mortgage \$100.00
Mary Alice Givens	Kyle Smithson and Wife, Karoly Smithson Record Book 1111, page 3145 Rutherford County Register of Deeds.	1910 Chartwell Court Murfreesboro, TN		02/10/2012	No Mortgage \$187,000.00
Logan C. Lafevers and wife, Reanna M. Lafevers	Karoly De La Rocha Baldenebro, a married woman Record Book 1265, page 2094, Rutherford County Register of Deeds	1223 Falling Tree Court Murfreesboro, TN		12/05/2013	No Mortgage \$128,000.00

Conveyances					
Grantor	Grantee	Property	Date	Consideration	Distributed to
William H. Smithson, Jr by William Kyle Smithson, Attorney-in-Fact and Mary Lenelle Marable Smithson	Donald J. Crutcher and Wife, Florence M. Crutcher as Tenants by the Entirety Record Book 637, page 815-817 Marshall County Register of Deeds	26.26 Acres Beasley Road Marshall County, Tennessee From 100 Acres	06/27/2014	\$80,000.00	No record of funds deposited to Mr. William Herman Smithson, Jr. bank account
William H. Smithson, Jr by William Kyle Smithson, Attorney-in-Fact and Mary Lenelle Marable Smithson, by William Kyle Smithson, Attorney-in-fact	Donald J. Crutcher and Wife, Florence M. Crutcher as Tenants by the Entirety Record Book 660, page 259, Marshall County Register of Deeds	37.00 Acres Beasley Road Marshall County, Tennessee From 100 Acres	07/08/2015	\$125,000.00	No record of funds deposited to Mr. William Herman Smithson, Jr. bank account
William H. Smithson, Jr by William Kyle Smithson, Attorney-in-Fact and Mary Lenelle Marable Smithson, by William Kyle Smithson, Attorney-in-fact	Donald J. Crutcher and Wife, Florence M. Crutcher Record Book 690, page 859-863 Marshall County Register of Deeds	Tract 1- 11.30 +/- Acres Beasley Road; Tract 2- +/- 10.20 Acres Marshall County, Tennessee From 100 Acres	09/19/2016	\$80,700.00	No record of funds deposited to Mr. William Herman Smithson, Jr. bank account
Mary Lenelle Marable Smithson	William Kyle Smithson Record Book 63, Page 548, Marshall County, Register of Deeds.	205 Depot Street Chapel Hill, TN	04/19/2013	Quitclaim Deed \$0.00	

William Kyle Smithson	Nancy K. Moorehead and William Michael Moorehead, as Tenants in Common. Record Book 666, page 612, Marshall County, Register of Deeds.	205 Depot Street Chapel Hill, TN	10/15/2015	\$68,000.00	
Kyle Smithson and Karoly De La Rocha Baldenebro	Phillip Hodge and Grace Robin Blevins-Hodge, husband and wife Record Book 1272, page 2171, Rutherford County Register of Deeds	1910 Chartwell Court Murfreesboro, TN	01/17/2014	\$190,000.00	
William Kyle Smithson	Karoly De La Rocha Baldenebro Record Book 1267, page 1449, Rutherford County Register of Deeds	1223 Falling Tree Court Murfreesboro, TN	12/06/2013	Quitclaim Deed \$0.00	

Mortgages						
Borrower	Grantor	Grantee	Property	Date	Consideration	Distributed to
William Kyle Smithson and Mary Lenelle Smithson	William Kyle Smithson Mary Lenelle Smithson William Herman Smithson, Jr., By William Kyle Smithson, Attorney-in-Fact	Wilson Bank & Trust Record Book 658, page 291, Marshall County Register of Deeds.	2925 Beasley Road Chapel Hill TN 205 Depot Street Chapel Hill TN	06/04/2015	\$75,000.00	No record of funds deposited to Mr. William Herman Smithson, Jr. bank account
William Herman Smithson, Jr. by William Kyle Smithson, Attorney-in-Fact and Mary Lenelle Smithson	William Herman Smithson, Jr. by William Kyle Smithson, Attorney-in-Fact and Mary Lenelle Smithson	Wilson Bank & Trust Modification and Extension Record Book 679, page 325 Marshall County Register of Deeds.	2925 Beasley Road Chapel Hill TN	4/20/16	\$75,000.00	No record of funds deposited to Mr. William Herman Smithson, Jr. bank account



P.O. Box 64437
St. Paul, MN 55164-0437
Electronic Service Requested



February 21, 2019

Exhibit "F"

45

444 Highway 96 East, PO Box 64378
St. Paul, MN 55164-0378
<https://www.icsystem.com/consumer>
Toll-Free No: 888-474-8322

ACCOUNT SUMMARY

Creditor: ATT DIRECTV	
Account No: 15575029	
I.C. System Reference No: 170591204-1-49	
Principal Due:	\$172.55
BALANCE DUE:	\$172.55
\$0.00 has been paid since placement	



William H Smithson
2925 Beasley Rd
Chapel Hill, TN 37034-2445

William H Smithson:

Your delinquent account has been turned over to this collection agency. ATT DIRECTV is both the original and current creditor to whom this debt is owed.

The account information is scheduled to be reported to the national credit reporting agencies in your creditor's name. You have the right to inspect your credit file in accordance with federal law. I.C. System will not submit the account information to the national credit reporting agencies until the expiration of the time period described in the notice below.

Please tear off the bottom portion of this letter and return it with your payment.

If you will be receiving a tax refund and would like to use it to pay your account, please call us to make payment arrangements.

We are a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

NOTICE

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, we will assume this debt is valid. If you notify us in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, we will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you make a request in writing within 30 days after receiving this notice we will provide you with the name and address of the original creditor, if different from the current creditor.

This does not contain a complete list of the rights consumers have under Federal, State, or Local laws.

This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.

0510 - System - 114102578 - ISC - ICSYSTEM.WFID - 565715 - 00015971 - 0510ISC 1 of 1

PAYMENT OPTIONS



For questions on your account or to make a payment please go to:
<https://www.icsystem.com/consumer>
Reference No: 170591204-1-49



Mail check or money order payable to
I.C. System, Inc. with this portion of letter.
Include Reference Number 170591204-1-49.



Call us: 888-474-8322.

- Billing Phone Number: _____
- E-Mail Address: _____
- Address Changed? Make Changes Below.
William H Smithson
2925 Beasley Rd
Chapel Hill, TN 37034-2445
- Balance Due: \$172.55



I.C. System, Inc.
PO Box 64378
Saint Paul, MN 55164-0378

A Pay to A

**IN THE PROBATE COURT OF RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO**

**IN RE: THE CONSERVATORSHIP OF
WILLIAM HERMAN SMITHSON, JR.**

AFFIDAVIT OF JOAN HAWLEY

I, Joan Hawley, having been duly sworn, hereby make oath that the following facts are true and correct:

1. I am an adult resident of Rutherford County, Tennessee. I am in all respects competent to give sworn testimony. I am not an infant or incompetent.
2. I am the legal assistant for Attorney B. Jo Atwood at Atwood & Moore, Attorneys.
3. Ms. Atwood does not utilize an atwoodandmoore.com email account.
4. All email communication to Ms. Atwood are sent to my email account.
5. All email communications Ms. Atwood sends are provided to me in written or printed form, and I transcribe the communication into an email which is then sent from my email account.
6. I do not reply to or send any email communications regarding Ms. Atwood's clients without her explicitly approving and/or drafting said reply or email communication.
7. Since at least July 22, 2013, the date I began working for Ms. Atwood, this has been the manner in which email communications to and/or from her have been handled.

Further affiant sayeth not.

Joan Hawley

STATE OF TENNESSE

COUNTY OF RUTHERFORD

Sworn and subscribed before me a notary public for said state and county, this the 24th day of May, 2019.

NOTARY PUBLIC

My Commission Expires: 9-19-21



Exhibit "E"

IN THE PROBATE COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO

CYNTHIA HUMAN,
LISA HUMAN MCCORMACK,
LEANN HUMAN HILLIARD
NELL F. HUMAN,

Petitioners

No.: SmithsonCOO4

v.

WILLIAM HERMAN SMITHSON, JR.

Respondent.

MARY L. SMITHSON'S PROPOSED PROPERTY MANAGEMENT PLAN

Pursuant to Tennessee Code Annotated §34-1-115, the undersigned anticipated conservator, Mary L. Smithson ("Mrs. Smithson") submits the following proposed Property Management Plan for her husband, William Herman Smithson, Jr. ("Mr. Smithson"):

I. REAL PROPERTY

The conservator shall pursue a partition action for the Meeks Road property ("Family Farm"). Upon the Court's approval of the sale price, Mr. Smithson's share/interest shall be sold and the proceeds shall be used to pay the following debts:

1. Expenses and attorney's fees incurred in partition and sale of property
2. 2014, 2015, 2016 Federal Income taxes for Mr. and Mrs. Smithson

The funds shall be held and invested as recommended by a qualified financial planner with a financial institution located in Rutherford County, Tennessee and withdrawn only for Mr. Smithson's nursing home care. A written agreement between the institution and fiduciary shall be filed with the Court in which the financial institution agrees it will not permit the fiduciary to

withdraw the principle without court approval so that the fiduciary may serve without bond, pursuant to T.C.A. §34-1-105 (b)(4). In the alternative, the remaining funds shall be deposited with the Clerk and Master according to T.C.A. §35-1-105(b)(5) with a schedule of withdrawal for Mr. Smithson's nursing home expenses.

It is understood that the purpose of this Property Management Plan is to advise the Court of the general type of property in which the ward's property will be invested so that the Court will be assured the conservator will be making approved investments. It is understood that the undersigned must request Court Approval to change the nature of investments to be made.

II. MARITAL INCOME

The following marital income shall continue to go to Mrs. Smithson so that she may have control of these funds for her own support and for all other marital expenses except as delineated above.

a.	William Smithson Monthly Pension	\$ 5,738.00
b.	Lenelle Smithson Monthly Retirement	\$ 166.00
c.	William Smithson Social Security	\$ 343.00
d.	Lenelle Smithson Social Security	\$ 595.00
e.	John Hancock Investment	\$ 365.00

III. PERSONAL PROPERTY

Mr. Smithson does not have personal property of significant value. Any personal property shall be held by Mrs. Smithson and managed at her discretion.

This Plan must be amended when circumstances warrant. The Fiduciary shall review the Plan annually when Accountings are due for filing, make the necessary amendments, and submit a PMP Certification with the Accounting.

Respectfully submitted,

BARNEY, BOYLAN & MCGILL, PLLC

Michele McGill

Michele McGill (#033433)

Attorney for Mary L. Smithson

103 Confederate Drive, Suite 4

Franklin, TN 37064

(615) 224-8540

michele@bbmclaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of February 2017, a true and correct copy of the foregoing was served by US Mail on the following:

Benjamin W. Weigel
Nathaniel T. Gorman
Attorneys for Petitioners
133 Holiday Court, Suite 208
Franklin, TN 37067
(615) 790-9678
wesweigel@yosrob.com

B. Jo Atwood
Attorney Ad Litem
144 Uptown Square
Murfreesboro, TN 37129
(615) 895-2421

Bonita Tucker
Guardian Ad Litem
8 N. Public Square
Murfreesboro, TN 37130
Bonita84@bellsouth.net

Michele McGill

Michele McGill

Exhibit "G"

Bank of America Conservatorship Account 4/30/19

\$326,148.79	Balance	(See attached accounting)
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Notes Receivable 4/30/19

\$710,000.00	Balance	(See attached statement of account)
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Monthly Income

\$5,591.86	Nashville Electric Pension
\$ 499.00	Social Security
\$ 365.71	John Hancock (Annuity)
<u>\$3,500.00</u>	Note Receivable
\$9,956.57	

Expenses

See attached accounting

Estate of William Herman Smithson

Bank of America

			DEBITS & DEPOSITS	BALANCE
DATE	CK#	ITEM DESCRIPTION	DOLLARS/CTS.	DOLLARS/CTS.
3/9/19		Beginning balance	0.00	89,387.42
3/12/19		Person Property Sale Proceeds/Old deposit Grapevine	3,906.13	93,293.55
3/12/19	181	Adams Place ward's care	8,168.79	85,124.76
3/12/19	182	Duck River Electric utilities real property	278.45	84,846.31
3/12/19	183	Wilson Bank & Trust mortgage	1,154.00	83,692.31
3/13/19		Social Security deposit	499.00	84,191.31
3/22/19		Boczulak Note Payment/counter credit deposit	3,500.00	87,691.31
4/1/19		Nashville Electric Pension deposit	5,591.86	93,283.17
4/5/19		John Hancock Annuity/counter credit deposit	364.71	93,647.88
4/5/19		Nashville Electric Pension deposit	15.82	93,663.70
4/5/19	184	Wilson Bank & Trust mortgage	1,154.00	92,509.70
4/5/19	185	Craig's Tax Service tax preparation 2018	265.00	92,244.70
4/8/19	186	Adams Place ward's care	7,923.76	84,320.94
4/8/19	187	Duck River Electric utilities real property	227.12	84,093.82
4/10/19		Social Security deposit	499.00	84,592.82
4/16/19		Boczulak Note Payment/counter credit deposit	3,500.00	88,092.82
4/17/19		2925 Beasley Rd. proceeds deposit	247,925.54	336,018.36
4/17/19		Personal Property Sale deposit Proceeds/Maples Auct.	4,590.00	340,608.36
4/17/19	188	Craig's Tax Service tax fees	5,000.00	335,608.36
4/24/19	189	Marshall Co. Bd. Of Public Utilities utilities real property	22.97	335,585.39
4/29/19	190	Duck River Electric utilities real property	36.53	335,548.86
4/29/19		John Hancock Annuity/counter credit deposit	364.71	335,913.57
5/1/19		Nashville Electric Pension deposit	5,591.86	341,505.43
5/7/19		Wilson Bank & Trust - escrow refund deposit	1,204.79	342,710.22
5/7/19	191	Atwood and Moore conservator	12,262.64	330,447.58
5/7/19	192	Marshall Co. Bd. Of Public Utilities utilities real property	21.85	330,425.73
5/8/19		Social Security deposit	499.00	330,924.73
5/9/19	193	Medical Personnel Services medical (nurse practitioner)	56.14	330,868.59
5/9/19	194	Adams Place ward's care	8,155.85	322,712.74
5/13/19	195	Preferred Podiatry Group medical	64.43	322,648.31
5/15/19		Boczulak Note Payment/counter credit deposit	3,500.00	326,148.31

Balance as of May 15, 2019

ANNUAL OR FINAL ACCOUNTING OF ADMINISTRATORS, EXECUTORS, CONSERVATORS, OR GUARDIANS

State of Tennessee, County of Rutherford

Date: March 10, 2017 to March 9, 2018

Annual or final accounting ofB. Jo Atwood, ConservatorRegarding the estate of William Herman Smithson

Bank of America			DEBITS & DEPOSITS		BALANCE
DATE	CK#	ITEM DESCRIPTION		DOLLARS/CTS.	DOLLARS/CTS.
3/10/17		Beginning balance		0.00	0.00
4/27/17		Counter Credit	deposit	400.00	400.00
5/11/19		TLR Transfer from old account	deposit	6,007.90	6,407.90
5/11/19		Sunnington II, LLC/cashiers check	rent and care fee	4,095.00	2,312.90
5/18/17		Check Order		22.00	2,290.90
5/22/17	101	Twelvestone Pharmacy	prescription	269.32	2,021.58
6/1/17		Nashville Electric Pension	deposit	5,737.85	7,759.43
6/6/17	102	Sunnington II, LLC	rent and care fee	4,095.00	3,664.43
6/6/17	103	CMS	Medicare insurance premium	200.80	3,463.63
6/6/17	104	Twelvestone Pharmacy	prescription	142.52	3,321.11
6/13/17	105	Wilson Bank & Trust	mortgage	1,210.06	2,111.05
6/14/17		Social Security	deposit	343.14	2,454.19
6/14/17	106	Mid-South/Dr. Singh	medical	56.08	2,398.11
6/27/17	131	Broadmore Senior Living	move in deposit	1,000.00	1,398.11
7/3/17		Nashville Electric Pension	deposit	5,737.85	7,135.96
7/5/17	107	Twelvestone Pharmacy	prescription	193.69	6,942.27
7/12/17		Social Security	deposit	343.14	7,285.41
7/18/17	108	Broadmore	rent and care fee	3,776.83	3,508.58
8/1/17		Nashville Electric Pension	deposit	5,737.85	9,246.43
8/4/17	109	Broadmore Senior Living	rent and care fee	3,655.00	5,591.43
8/4/17	110	Twelvestone Pharmacy	prescription	61.64	5,529.79
8/10/17		Social Security	deposit	343.14	5,872.93
8/17/17		Boczulak Note Payment/counter credit	deposit	100,000.00	105,872.93
9/1/07		Social Security	deposit	200.80	106,073.73
9/1/17		Nashville Electric Pension	deposit	5,737.85	111,811.58
9/1/17	111	Twelvestone Pharmacy	prescription	44.63	111,766.95
9/1/17	112	MedStat Ambulance	transport Sunnington to Broadmore	68.06	111,698.89
9/1/17	113	Mid-South/Dr. Singh	medical	56.08	111,642.81
9/1/17	114	Broadmore Senior Living	rent and care fee	3,766.95	107,875.86
9/1/17	115	Wilson Bank & Trust	mortgage	4,516.88	103,358.98
9/13/17		Social Security	deposit	343.14	103,702.12
9/18/17	116	Twelvestone Pharmacy	prescription	126.64	103,575.48
9/29/17		Boczulak Note Payment/counter credit	deposit	50,000.00	153,575.48
10/2/17		Nashville Electric Pension	deposit	5,737.85	159,313.33
10/11/17		Social Security	deposit	343.14	159,656.47

Reconciliation Report

Name: William Herman Smithson

Reconciliation period February 8, 2018 to March 12, 2108

Ending balance	\$132,790.58
Deposits not credited on March 9, 2018	0.00
Total deposits	<u>\$0.00</u>
Checks outstanding on March 9, 2018	0.00
Total Outstanding Checks	<u>\$0.00</u>
Balance	\$132,790.58

ANNUAL OR FINAL ACCOUNTING OF ADMINISTRATORS, EXECUTORS, CONSERVATORS, OR GUARDIANS

State of Tennessee, County of Rutherford

Date: March 10, 2018 to March 9, 2019

Annual or final accounting of

B. Jo Atwood, ConservatorRegarding the estate of William Herman Smithson

Bank of America

DATE	CK#	ITEM DESCRIPTION	DEBITS & DEPOSITS	BALANCE
			DOLLARS/CTS.	DOLLARS/CTS.
3/9/18		Beginning balance	0.00	132,790.58
3/14/18		Social Security deposit	483.00	133,273.58
3/16/18	136	Wilson Bank & Trust mortgage	1,139.96	132,133.62
3/16/18	137	Health Center of Adams Place medical	1,838.32	130,295.30
3/16/18	138	Twelvestone Pharmacy prescription	9.32	130,285.98
3/16/18	139	Murfreesboro Radiology medical	33.71	130,252.27
3/19/18	140	Medical Personnel Services medical	10.99	130,241.28
3/19/18		Sunnington Refund/counter credit deposit	14.00	130,255.28
3/19/18		Boczulak Note Payment/counter credit deposit	3,500.00	133,755.28
4/2/18		Nashville Electric Pension deposit	5,978.73	139,734.01
4/6/18	141	Bonita Tucker guardian ad Litem	6,106.09	133,627.92
4/9/18	142	Atwood and Moore conservator	30,382.48	103,245.44
4/9/18	143	Wilson Bank & Trust mortgage	1,139.96	102,105.48
4/9/18	144	Mid-South/Dr. Singh medical	11.07	102,094.41
4/11/18		Social Security deposit	483.00	102,577.41
4/18/18		Boczulak Note Payment/counter credit deposit	3,500.00	106,077.41
4/18/18	145	Medical Personnel Services medical	10.99	106,066.42
4/19/18	146	Adams Place ward's care	7,606.81	98,459.61
5/1/18		Nashville Electric Pension deposit	5,978.73	104,438.34
5/9/18		Social Security deposit	483.00	104,921.34
5/15/18	147	Adams Place ward's care	7,945.64	96,975.70
5/15/18	148	Wilson Bank & Trust mortgage	1,139.96	95,835.74
5/16/18		Boczulak Note Payment/counter credit deposit	3,500.00	99,335.74
5/17/18	149	Medical Personnel Services medical	10.99	99,324.75
6/1/18		Nashville Electric Pension deposit	5,978.73	105,303.48
6/13/18		Social Security deposit	483.00	105,786.48
6/19/18		Boczulak Note Payment/counter credit deposit	3,500.00	109,286.48
6/19/18	150	Wilson Bank & Trust mortgage	1,154.00	108,132.48
6/19/18	151	Adams Place ward's care	7,645.49	100,486.99
6/22/18	152	St. Thomas Medical Partners medical	34.01	100,452.98
7/2/18		Nashville Electric Pension deposit	5,978.73	106,431.71
7/6/18	161	Wilson Bank & Trust mortgage	1,154.00	105,277.71
7/9/18	162	Adams Place ward's care	8,038.31	97,239.40
7/11/18		Social Security deposit	483.00	97,722.40

7/17/18		Boczulak Note Payment/counter credit	deposit	3,500.00	101,222.40
8/1/18		Nashville Electric Pension	deposit	5,978.73	107,201.13
8/8/18		Social Security	deposit	483.00	107,684.13
8/8/18	153	Adams Place	ward's care	7,901.62	99,782.51
8/8/18	154	Wilson Bank & Trust	mortgage	1,154.00	98,628.51
8/15/18		Boczulak Note Payment/counter credit	deposit	3,500.00	102,128.51
8/20/18	155	U.S. Treasury Dept./IRS	2015 federal taxes	9,004.00	93,124.51
9/4/18		Nashville Electric Pension	deposit	5,978.73	99,103.24
9/10/18	156	Adams Place	ward's care	7,654.09	91,449.15
9/10/18	157	Wilson Bank & Trust	mortgage	1,154.00	90,295.15
9/12/18		Social Security	deposit	483.00	90,778.15
9/14/18		Boczulak Note Payment/counter credit	deposit	3,500.00	94,278.15
9/17/18	158	Medical Personnel Services	medical	7.94	94,270.21
10/1/18		Nashville Electric Pension	deposit	5,978.73	100,248.94
10/8/18	159	Adams Place	ward's care	7,890.48	92,358.46
10/8/18	160	Wilson Bank & Trust	mortgage	1,154.00	91,204.46
10/10/18		Social Security	deposit	483.00	91,687.46
10/17/18	164	B Jo Atwood	reimburse clothing expense for ward	110.41	91,577.05
10/19/18		Boczulak Note Payment/counter credit	deposit	3,500.00	95,077.05
11/1/18		Nashville Electric Pension	deposit	5,978.73	101,055.78
11/7/18	165	Adams Place	ward's care	7,647.81	93,407.97
11/7/18	166	Wilson Bank & Trust	mortgage	1,154.00	92,253.97
11/8/18		U.S. Treas. Dept./IRS-refund 2014 & 15	deposit	2,729.68	94,983.65
11/14/18		Social Security	deposit	483.00	95,466.65
11/15/18		Boczulak Note Payment/counter credit	deposit	3,500.00	98,966.65
12/3/18		Nashville Electric Pension	deposit	5,978.73	104,945.38
12/11/18	167	Adams Place	ward's care	7,913.75	97,031.63
12/11/18	168	Wilson Bank & Trust	mortgage	1,154.00	95,877.63
12/12/18		Social Security	deposit	483.00	96,360.63
12/18/18	169	Cindy Human (court order)	M L Smithson grave opening fees	1,500.00	94,860.63
12/18/18	170	Lawrence Funeral Home (court order)	M L Smithson funeral services	7,041.00	87,819.63
12/21/18		Boczulak Note Payment/counter credit	deposit	3,500.00	91,319.63
1/2/19		Nashville Electric Pension	deposit	6,104.07	97,423.70
1/8/19	171	Wilson Bank & Trust	mortgage	1,154.00	96,269.70
1/9/19		Social Security	deposit	499.00	96,768.70
1/9/19	172	Adams Place	ward's care	8,133.21	88,635.49
1/15/19	173	Bonita Tucker	Guardian ad Litem	375.80	88,259.69
1/15/19	174	Atwood and Moore	conservator	5,874.95	82,384.74
1/18/19		John Hancock Annuity/counter credit	deposit	364.71	82,749.45
1/18/19		Boczulak Note Payment/counter credit	deposit	3,500.00	86,249.45
2/1/18		Nashville Electric Pension	deposit	6,104.07	92,353.52
2/7/19	175	Wilson Bank & Trust	mortgage	1,154.00	91,199.52
2/7/19	176	Adams Place	ward's care	7,371.86	83,827.66
2/7/19	177	Marshall Co. Bd. Of Public Utilities	utilities real property	60.97	83,766.69
2/7/19	178	Duck River Electric	utilities real property	409.55	83,357.14
2/13/19		Social Security	deposit	499.00	83,856.14
2/19/19		John Hancock Annuity/counter credit	deposit	364.71	84,220.85
2/19/19		Boczulak Note Payment/counter credit	deposit	3,500.00	87,720.85

Reconciliation Report

Name: William Herman Smithson

Reconciliation period February 8, 2019 to March 11, 2109

Ending balance	\$89,387.42
Deposits not credited on March 9, 2019	0.00
Total deposits	<u>\$0.00</u>
 Outstanding Checks	 0.00
Total Outstanding Checks	<u>\$0.00</u>
 Balance	 \$89,387.42

Statement of Account for
Sunnybrook Investment Company
Note Payments for
6236 Meeks Road, Williamson County, Tennessee

Atwood & Moore
Attorneys at Law
144 Uptown Square, Murfreesboro, TN 37129
Ph. (615) 895-2421 Fax (615) 895-2422
joan.hawley@atwoodandmoore.com

Balance Due	Due Date	Amount Due	Date Paid	Description of Transaction	Credit (-)	New Charges	Balance
\$ 812,500.00			8/14/17	Beginning Balance		\$812,500.00	\$ 812,500.00
\$ 762,500.00	9/29/2017	\$ 50,000.00	9/29/17	Installment	\$50,000.00		\$ 762,500.00
\$ 759,000.00	3/16/2018	\$ 3,500.00	3/16/18	Installment	\$3,500.00		\$ 759,000.00
\$ 755,500.00	4/18/2018	\$ 3,500.00	4/18/18	Installment	\$3,500.00		\$ 755,500.00
\$ 752,000.00	5/16/2018	\$ 3,500.00	5/16/18	Installment	\$3,500.00		\$ 752,000.00
\$ 748,500.00	6/19/2018	\$ 3,500.00	6/19/18	Installment	\$3,500.00		\$ 748,500.00
\$ 745,000.00	7/17/2018	\$ 3,500.00	7/17/18	Installment	\$3,500.00		\$ 745,000.00
\$ 741,500.00	8/15/2018	\$ 3,500.00	8/15/18	Installment	\$3,500.00		\$ 741,500.00
\$ 738,000.00	9/14/2018	\$ 3,500.00	9/14/18	Installment	\$3,500.00		\$ 738,000.00
\$ 734,500.00	10/18/2018	\$ 3,500.00	10/18/18	Installment	\$3,500.00		\$ 734,500.00
\$ 731,000.00	11/15/2018	\$ 3,500.00	11/15/18	Installment	\$3,500.00		\$ 731,000.00
\$ 727,500.00	12/15/2018	\$ 3,500.00	12/18/18	Installment	\$3,500.00		\$ 727,500.00
\$ 724,000.00	1/15/2019	\$ 3,500.00	1/15/19	Installment	\$3,500.00		\$ 724,000.00
\$ 720,500.00	2/15/2019	\$ 3,500.00	2/15/19	Installment	\$3,500.00		\$ 720,500.00
\$ 717,000.00	3/15/2019	\$ 3,500.00	3/15/19	Installment	\$3,500.00		\$ 717,000.00
			4/16/19	Installment	\$3,500.00		\$ 713,500.00
			5/15/19	Installment	\$3,500.00		\$ 710,000.00



P.O. Box 15284
Wilmington, DE 19850

KYLE SMITHSON
WILLIAM HERMAN SMITHSON
LENELLE M SMITHSON
2925 BEASLEY RD
CHAPEL HILL, TN 37034-2445

Customer service information

- Customer service: 1.800.432.1000
- TDD/TTY users only: 1.800.288.4408
- En Español: 1.800.688.6086
- bankofamerica.com
- Bank of America, N.A.
P.O. Box 25118
Tampa, FL 33622-5118

Your BofA Core Checking

for February 25, 2017 to March 29, 2017

Account number: 0044 4083 8207

KYLE SMITHSON WILLIAM HERMAN SMITHSON LENELLE M SMITHSON

Account summary

Beginning balance on February 25, 2017	-\$49.74
Deposits and other additions	6,386.37
Withdrawals and other subtractions	-5,617.40
Checks	-0.00
Service fees	-30.00
Ending balance on March 29, 2017	\$689.23

Here's a tip

Sending money is quick and easy

Use Mobile or Online Banking to send or transfer money:

- Between your Bank of America* bank accounts
- To and from your accounts at other banks
- To someone else

For more information, including step-by-step videos, go to bankofamerica.com/transfers.

Fees apply to wires and certain transfers. See the Online Banking Service Agreement at bankofamerica.com/serviceagreement for details. Data connection required for online and mobile transfers. Wireless carrier fees may apply. ©2017 Bank of America Corporation SSM-11-16-0483.B | ARFPRPTP

IMPORTANT INFORMATION: BANK DEPOSIT ACCOUNTS

Updating your contact information - We encourage you to keep your contact information up-to-date. This includes address, email and phone number. If your information has changed, the easiest way to update it is by visiting the Help & Support tab of Online Banking. Or, you can call our Customer Service team.

Deposit agreement - When you opened your account, you received a deposit agreement and fee schedule and agreed that your account would be governed by the terms of these documents, as we may amend them from time to time. These documents are part of the contract for your deposit account and govern all transactions relating to your account, including all deposits and withdrawals. Copies of both the deposit agreement and fee schedule which contain the current version of the terms and conditions of your account relationship may be obtained at our financial centers.

Electronic transfers: In case of errors or questions about your electronic transfers - If you think your statement or receipt is wrong or you need more information about an electronic transfer (e.g., ATM transactions, direct deposits or withdrawals, point-of-sale transactions) on the statement or receipt, telephone or write us at the address and number listed on the front of this statement as soon as you can. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared.

- Tell us your name and account number.
- Describe the error or transfer you are unsure about, and explain as clearly as you can why you believe there is an error or why you need more information.
- Tell us the dollar amount of the suspected error.

For consumer accounts used primarily for personal, family or household purposes, we will investigate your complaint and will correct any error promptly. If we take more than 10 business days (10 calendar days if you are a Massachusetts customer) (20 business days if you are a new customer, for electronic transfers occurring during the first 30 days after the first deposit is made to your account) to do this, we will credit your account for the amount you think is in error, so that you will have use of the money during the time it will take to complete our investigation.

For other accounts, we investigate, and if we find we have made an error, we credit your account at the conclusion of our investigation.

Reporting other problems - You must examine your statement carefully and promptly. You are in the best position to discover errors and unauthorized transactions on your account. If you fail to notify us in writing of suspected problems or an unauthorized transaction within the time period specified in the deposit agreement (which periods are no more than 60 days after we make the statement available to you and in some cases are 30 days or less), we are not liable to you for, and you agree to not make a claim against us for the problems or unauthorized transactions.

Direct deposits - If you have arranged to have direct deposits made to your account at least once every 60 days from the same person or company, you may call us at the telephone number listed on the front of this statement to find out if the deposit was made as scheduled. You may also review your activity online or visit a financial center for information.

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EXHIBIT "I"

Abbreviated Timeline

2019

5/23/19 Motion to Limit Visitation per request of AdamsPlace (Leah Moran)

5/20/19 Motion to Amend Order, Motion for Declaratory Judgment and Motion to Direct Clerk to Make Demand for Bond, Accountings and Property Management Plan filed by Kyle Smithson

2/21/19 Verified Complaint and Petition for Injunctive Relief and Motion for Temporary Restraining Order

2/17/19 Prepare tax file for Mr. Smithson for 2018 filing of 1040 by Mike Craig.

1/15/19 Order to Sell Property

1/10/19 Notice of Appearance by John Toy and Response to Motion Opposing Sale of Real Property

2018

Tax refund of \$3,932.00 received due to proper filing of 1040. IRS sent check to Lenelle Smithson and she cashed the check.

12/27/18 Motion to Allow Sale of Real Property

12/19/18 Order to pay Funeral Expenses for Mary Lenelle Smithson

12/14/18 Motion to Approve Payment of Funeral Expenses for Mary Lenelle Smith

12/14/18 Advised by Guardian Ad Litem, Bonita Tucker, that Kyle Smithson has set up a GoFund Me Account

10/30/18 AdamsPlace requested permission to transfer Mr. Smithson to either Parthenon or Rolling Hills. Depends on who has a bed. He has become more combative and difficult to control and will not obey commands. Needs to be hospitalized for a change of medication.

8/29/18 Requested penalty abatement for 2015 as Kyle Smithson told the Court he had filed the 2015 tax return, but he never had filed.

8/20/18 Paid 2015 income taxes in the amount of \$9,004.00

2/26/18 Paid 2014 income taxes in the amount of \$17,179.00.

2/23/18 Moved Mr. Smithson to AdamsPlace on recommendation of his doctor. Stated he needed to reside in a facility which could handle the level of skilled care which was required due to his condition.

2017

11/8/17 Tax levy issued due to non-payment of taxes for prior years (prior to 2014) or incorrectly filed tax return.

11/6/17 Letter from IRS applied 2016 Form 1040 overpayment to an unpaid balance of \$20,622.98.

10/13/17 Notified by Broadmore change in Assessment Results due to Fall Potential

10/2/17 Audit of custodial bank statements of Mr. Smithson controlled by Kyle Smithson. Questions to Lenelle as to numerous restaurants. Trips to California, credit card payments for a Hannah Rae, gym membership payments for Kyle and Hannah Rae.

10/2/17 2016 1040 tax return completed. Reduced tax impact with deductions for Mr. Smithson medications and medical insurance premium.

8/29/17 Notice of Voluntary Dismissal of Breach of Contract matter in Williamson County

7/25/17 Tara at Broadmore advised Mr. Smithson returned from hospital at 10:00 and fell at 11:00

7/10/17 Agreed Order to Sell Interest in Real Property

6/30/17 Moved Mr. Smithson to Broadmore. Sunnington had advised it was moving Mr. Smithson due to his behavioral issues into a room which would cost substantially more and Mr. Smithson did not have sufficient funds to pay for the additional room cost.

6/13/17 Work out agreement with Lee Eaton as to bring the loan current. Has agreed to forbear on foreclosure proceedings if can bring current by September.

6/7/17 Review title search on properties of William H. Smithson. Kyle had sold another property that was not disclosed to the court, me or the guardian ad litem. Mortgage on house with Kyle Smithson as one of the borrowers and a modification increasing the loan. Contact Wilson Bank & Trust, Lee Eaton is the Assistant Manager. Mortgage payments are 3 months behind.

5/8/17 Received notification from IRS that 2014 and 2015 tax returns were never filed despite Kyle's testimony the returns had been filed. Advise Lenelle need Sunnington payments for each year for room rent and care fee and payments for medical bills, medications and medical care insurance premiums for 2014, 2015 and 2016.

5/5/17 Order for selection of appraiser for the Meeks road property.

5/2/17 Met with Lenelle. Need copies of medical bills, pharmacy bills and any other bills of Mr. William H. Smithson that have not been paid. Says she will have to ask Kyle.

5/1/17 Notice of Special Appearance by Brad Scarbrough for Jeremy Boczulak

4/27/17 Opened Conservatorship Account with \$400.00 remaining in BOA account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle still has automatic debits. Bank agree to transfer \$400.00 to account in order to account for automatic debits

4/25/17 Sunnington does not have any dental insurance on file. Needs to go to dentist.

4/24/17 Researching assets of Mr. Smithson. Questions concerning Spotify (recurring), Sirius (recurring), MRadio (recurring), Hand and Stone Massage (recurring), Lexington Law, Filmbudgeteers, charges on the account.

4/24/17 BOA advises difficulty closing account due to Kyle's automatic debits. Lenelle concerned if Mr. Smithson's retirement goes into his account how she will be able to pay her bills. No money to pay Sunnington for Mr. William H. Smithson.

4/24/17 Katie, the nurse at Sunnington, called to advise that Mr. Smithson fell on Saturday evening at 6:00 p.m. There were no injuries, but they are required to advise us when there is a fall. Advised we need invoice for Sunnington.

4/18/17 Travel to BOA to obtain information on Mr. William H. Smithson account. As of March 29th, account only has a balance of \$689.23.

4/17/17 Motion filed by B. Jo Atwood to disaffirm, disavow, repudiate and cancel Purchase and Sale Agreement and First Amendment

4/13/17 Complaint filed by Jeremy Boczulak for Breach of Contract due to failure to close on the family farm.

4/2/17 Met with Lenelle Smithson to discuss proposed management plan. She believes there is a lot of money in the bank and says her husband had CD's. Said her husband was smart and had always told her you never have to worry. Says Kyle sold 2 pieces of property and he had the money. Asked her for monthly income and expenses. Said not sure because Kyle was taking care of because she had cancer.

3/29/17 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$1,371.82 for his personal use.

3/16/17 Visit Sunnington and Mr. William H. Smithson to advise appointed Temporary Conservator. Advised that previous monthly payments for Mr. William Smith were

continuously late and the situation could not continue. Advised to send monthly invoices to my office for payment.

- 3/10/17 Order for Temporary Conservator signed by Judge Gilley
- 3/2/17 Appointed Temporary Conservator
- 2/24/17 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$1,396.43 for his personal use. Account overdrawn \$49.74
- 2/23/17 Property Management Plan filed by Mary L. Smithson. Only lists Meeks property as a real property asset and no other assets.
- 2/13/17 Response and Counter-Petition by Michele McGill, attorney for Kyle and Lenelle and Mr. Smithson. Attached Statement of Income and Expenses. Shows \$23,612.00 owed for 2014 Federal taxes, \$17,712.00 for 2015 Federal taxes and \$15,000.00 owed for survey and hand money on Meeks Road.
- 1/28/17 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$1,499.95 for his personal use. Account overdrawn \$137.30.
- 1/26/17 First Amendment to Land Purchase and Sale Agreement between Kyle Smithson (POA) and Jeremy Boczulak changing closing date to 4/30/17 (2 months after Petition to Appoint Conservator had been filed) The Amendment was never disclosed to the court, to me or to the Guardian Ad Litem, nor was a copy of the contract or addendum provided.

2016

- 12/29/16 Kyle as POA for father prepared Respondents Memorandum of Law in Support of Motion for Rule 11 Sanctions against Cynthia Human, Lisa Human McCormack, Leann Human Hilliard and Nell F. Human and their attorneys Benjamin W. Weigel and Nathaniel T. Gorman for filing the Petition for Appointment of a Conservator for William Smithson. Accused them of filing a frivolous pleading and saying they made false statements that Kyle has used the money and assets for his own personal use.
- 12/29/16 Michele McGill Motion for Rule 11 Sanctions against Cynthia Human, Lisa Human McCormack, Leann Human Hillard, Nell F. Human and attorneys Benjamin W. Weigel and Nathaniel T. Gorman

12/29/16 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$4,821.07 for his personal use. Account overdrawn \$391.34

11/29/16 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$3,110.49 for his personal use. Account overdrawn \$159.57.

11/22/16 Petition for Conservatorship filed by Cynthia Human, Lisa Human McCormack, Leann Human Hilliard and Nell Frances Human alleging Kyle had breached his duty as attorney-in-fact. Had been and still is rapidly depleting assets. Kyle's use and sale of Ward's assets have not been conducted for the benefit of Ward; frequent trips to California; paid for nose job for wife Karoly De La Rocha.

11/7/16 Kyle Smithson enters into Purchase and Sale Agreement with Jeremy Boczulak for sale of ½ family farm for \$700,000.00 to close on 12/31/16. \$50,000.00 at closing, \$50,000.00 on 1/31/17 and \$600,000.00 on 1/31/18. Earnest money \$5,000.00 for survey. Earnest money check of \$5,000.00 made payable to William H. Smithson. Kyle Smithson received the check and never deposited into Mr. William Herman Smithson account.

10/28/16 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$1,380.81 for his personal use. Account overdrawn \$52.72.

9/29/16 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$3,570.91 for his personal use. Account overdrawn \$356.06.

9/19/16 Kyle Smithson sold 21.50 acres on Beasley Road using POA for \$80,700.00. No record funds deposited to Mr. William Herman Smithson bank account.

8/29/16 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$2,041.16 for his personal use. Account overdrawn \$272.35.

7/27/16 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$1,132.19 for his personal use.

6/28/16 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$1,820.85 for his personal use. Account overdrawn \$235.00

5/26/16 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$17,777.50 for his personal use.

4/25/16 Sunnington statement reflects account is past due for Mr. Smithson for March 2016 (\$3,895.00) and April 2016 (\$3,895.00)

4/20/16 Kyle Smithson and Lenelle Smithson execute a Modification to Note and Deed of Trust to Wilson Bank & Trust secured by 2925 Beasley Road and 205 Depot Street, Chapel Hill to increase indebtedness to \$150,000.00. No record of deposit of additional \$75,000.00 into Mr. William Herman Smithson account.

4/27/16 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$4,444.39 for his personal use.

3/29/16 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$1,632.78 for his personal use. Account overdrawn \$451.70.

3/22/16 Sunnington statement reflects account is past due for March 2016 (\$3,895.00)

2/25/16 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$1,265.64 for his personal use. Account overdrawn \$168.59.

2/23/16 Sunnington statement reflects account is past due for Mr. Smithson for January 2016 (\$3,895.00) and February 2016 (\$3,895.00)

1/28/16 Sunnington statement reflects account is seriously past due for Mr. Smithson for December 2015 (\$3,895.00) and January 2016 (\$3,895.00)

1/27/16 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$4,310.65 for his personal use.

2015

12/29/15 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$3,742.22 for his personal use. Account is overdrawn \$217.07

12/28/15 Sunnington payment for Mr. Smithson for December 2015 (\$3,895.00) paid late on 12/28/15

11/25/15 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$1,709.31 for his personal use.

10/28/15 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$1,560.68 for his personal use. Account is overdrawn \$112.48

10/20/15 Sunnington payment for Mr. Smithson September 2015 (\$3,895.00) and October 2015 (\$3,895.00) paid late 10/20/15.

10/15/15 Kyle Smithson sells 205 Depot Street, Chapel Hill for the sum of \$68,000.00 and retains the money.

9/28/15 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$3,584.25 for his personal use. Account is overdrawn \$148.24

8/27/15 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$3,045.04 for his personal use. Account is overdrawn \$79.40

7/28/15 Kyle Smithson sold 37 acres on Beasley Road using POA for \$125,000.00. No record funds deposited to Mr. William Herman Smithson bank account.

6/26/15 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$4,405.82 for his personal use.

6/4/15 Kyle Smithson and Lenelle Smithson execute a Note to Wilson Bank & Trust secured by 2925 Beasley Road and 205 Depot Street, Chapel Hill in the amount of \$75,000.00. No record of deposit of \$75,000.00 into Mr. William Herman Smithson bank account.

5/27/15 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$3,417.26 for his personal use. Account is overdrawn \$467.52.

5/25/15 Sunnington notification to Kyle Smithson. Clear up your account by 5/29/15. Have not received payment in 3 months, April, May and June 2015. Per Lisa Harlow, Kyle showed her a letter from a bank regarding a loan and will pay April, May and June payments (5/26/15)

5/25/15 Sunnington statement reflects account is past due for Mr. Smithson for April 2015 (\$3,895.00) and May 2015 (\$3,895.00)

4/28/15 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$3,306.32 for his personal use. Account is overdrawn \$365.22.

4/23/15 Sunnington payment for Mr. Smithson (\$3,895.00) paid late on 4/23/15. Sunnington added additional \$500.00 for late payments.

3/27/15 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$1,358.21 for his personal use.

2/27/15 Sunnington payment for Mr. Smithson (\$3,895.00) paid late on 2/27/15

2/25/15 Nashville Electric Pension Payment and SS deposited into an account in the name of Kyle Smithson, William Herman Smithson and Lenelle M. Smithson. Kyle uses \$7,435.99 for his personal use.

1/1/15 Sunnington payment for Mr. Smithson (\$3,895.00) paid late on 1/21/15

2014

6/27/14 Kyle Smithson sold 26.26 acres Beasley Road using POA for \$80,000.00. No record funds deposited to Mr. William Herman Smithson bank account.

2/5/14 Sunnington payment for Mr. Smithson (\$3,895.00) returned for insufficient funds.

1/9/14 Kyle Smithson closes Regions Bank Custodian Account for William H. Smithson and another custodial account was never opened

2013

11/20/13 Overdraft fees on Regions Bank Account of \$108.00

11/15/13 Kyle Smithson transferred \$300.00 from William H. Smithson Regions account into his own personal account

11/14/13 Kyle Smithson transferred \$200.00 from William H. Smithson Regions account into his own personal account

11/14/13 Lenelle Smithson wires \$40,000.00 to Kyle Smithson for purchase of house

11/7/13 Kyle Smithson transferred \$800.00 from William H. Smithson Regions account into his own personal account

10/31/13 Kyle Smithson transferred \$13,094.05 from William H. Smithson Regions account into his own personal account

10/3/13 Kyle Smithson opens Regions Bank Account in the name of William Herman Smithson and William Kyle Smithson, Custodian.

8/22/13 Sunnington moved Mr. Smithson to a semi-private room because of room cost.

4/19/13 Lenelle Smithson quitclaims 205 Depot Street, Chapel Hill to Kyle Smithson for no money

2012

12/18/12 Nashville Electric Pension Payment deposited into an account solely in the name of William Kyle Smithson. Kyle uses \$5,535.83 for his personal use.

11/17/12 Nashville Electric Pension Payment deposited into an account solely in the name of William Kyle Smithson. Kyle uses \$2,166.04 for his personal use.

10/1/12 Nashville Electric Pension Payment begins to be deposited monthly into an account solely in the name of William Kyle Smithson. Kyle uses \$2,303.38 for his personal use.

8/12 Kyle Smithson placed his father in Sunnington Assisted Living and Senior Care

2011

2011 Liquidation of \$103,272.29 in CD's of Mr. William Herman Smithson and deposited into Kyle Smithson's bank account.

12/2011 Kyle Smithson appointed Power of Attorney for William Herman Smithson and Lenelle Smithson